



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 25 2009

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harry Pelman
Midwest Iron & Metal Company
6760 North Industrial Road
Milwaukee, Wisconsin 53223

Re: Finding of Violation
Midwest Iron & Metal Company

Dear Mr. Pelman:

This is to advise you that the U. S. Environmental Protection Agency has determined that Midwest Iron & Metal Company's facility at 6760 North Industrial Road, Milwaukee; Wisconsin (Midwest Iron & Metal or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

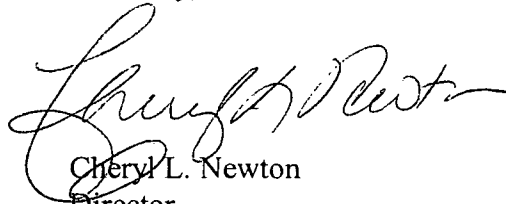
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a minimum of three years.

EPA finds that Midwest Iron & Metal has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 if you wish to request a conference. EPA hopes that this FOV will encourage Midwest Iron & Metal's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Daniel Schramm, Air Management Supervisor
Wisconsin Department of Natural Resources
Southeast Region

Lance Green, Refrigerant Recovery Program Coordinator
Wisconsin Department of Natural Resources

**United States Environmental Protection Agency
Region 5**

| | | |
|------------------------------|---|----------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Midwest Iron & Metal Company |) | FINDING OF VIOLATION |
| Milwaukee, Wisconsin |) | |
| |) | |
| Proceedings Pursuant to |) | EPA-5-09-WI-04 |
| the Clean Air Act, |) | |
| 42 U.S.C. §§ 7401 et seq. |) | |
| |) | |

FINDING OF VIOLATION

Midwest Iron & Metal Company (Midwest Iron & Metal or you) owns and operates a scrap recycling facility at 6760 North Industrial Road, Milwaukee, Wisconsin (the facility).

The U. S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F.

Explanation of Violations

1. Midwest Iron & Metal, as the final disposer of appliances, is subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained, that

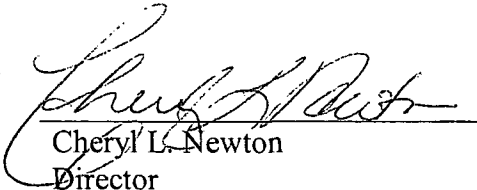
all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. In a response to EPA's October 2, 2008, Section 114 Information Request, Midwest Iron & Metal stated that it had received 1200 pounds of scrap metal from appliances for the month of March 2008.
3. For the appliance(s) received by Midwest Iron & Metal in March 2008, Midwest Iron & Metal did not obtain verification statements attesting that the refrigerant in these appliances had been recovered in accordance with 40 C.F.R. § 82.156.
4. During EPA's July 16, 2008, inspection, EPA was informed that during the past year, Midwest Iron & Metal accepted from individual peddlers for recycling at least once per day appliances that once contained refrigerant.
5. At the time of the inspection, EPA was informed that Midwest Iron & Metal does not recover refrigerant from the appliances it accepts and does not require verification statements from its individual peddlers attesting that the refrigerant has been recovered in accordance with 40 C.F.R. § 82.156 prior to delivery of the appliance(s) to Midwest Iron & Metal.

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

2/25/09
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-09-WI-04 by Certified Mail, Return Receipt Requested, to:

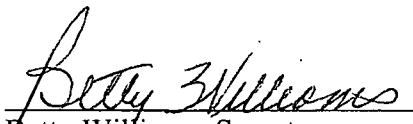
Harry Pelman
Midwest Iron & Metal Company
6760 North Industrial Road
Milwaukee, Wisconsin 53223

on the 26th day of February, 2009.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Daniel Schramm, Air Management Supervisor
Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr Martin Luther King JR Dr
Milwaukee, Wisconsin 53212

Lance Green
Wisconsin Department of Natural Resources
101 S. Webster Street
PO Box 7921
Madison, Wisconsin 53707-7921


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601860866